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Before the
Federal Communications Commission
Washington, D.C. 20554

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CBS Inc. Legal Dept.
Washington Office

In the Matter of:)
)
Implementation of Section 9) MD Docket No. 94-19
of the Communications Act)
)
Assessment and Collection)
of Regulatory Fees for the)
1994 Fiscal Year)

Petition For Reduction of 1994 Annual Regulatory Fees

CBS Inc. ("CBS"), licensee of satellite television stations WJMN-TV, Escanaba, Michigan, KCCO-TV, Alexandria, Minnesota and KCCW-TV, Walker, Minnesota (collectively, the "Stations") respectfully requests a refund of \$40,000 of the 1994 Annual Regulatory Fees paid by CBS for the Stations.

WJMN-TV, Escanaba, Michigan ("WJMN") is a satellite of CBS-Owned WFRV-TV, Green Bay, Wisconsin. Green Bay is the 70th largest television market.¹ In August, 1994, at the time CBS filed its 1994 Annual Regulatory Fee, Delta County, where Escanaba is located,

¹ 1995 to 1996 Nielsen U.S. Television Household Estimates, as reprinted in the 1997 Television and Cable Factbook, Volume 65, Warren Publishing, at p. A-2 (hereinafter "Factbook").

was part of the Green Bay, Wisconsin DMA.² KCCO-TV is licensed to Alexandria, Minnesota and KCCW-TV is licensed to Walker, Minnesota, both of which are in the Minneapolis DMA, the 14th largest television market.

On August 29, 1994, CBS paid the Commission \$185,146.50 for 1994 Annual Regulatory Fees. This included \$16,000 each for KCCO-TV and KCCW-TV, based on the size of the Minneapolis DMA, and \$8,000 for WJMN-TV, based on the size of the Green Bay DMA.

In a Memorandum Opinion and Order in this docket, 10 FCC Rcd. 12759, 78 R.R.2d 210 (1995) (“Reconsideration Order”), the Commission acknowledged that “treating [satellite stations] as full service stations for fee purposes” could result in inequities, including station owners with multiple satellite stations paying a higher fee than a major market station³. As a result, the Commission reduced fees for satellite station operators

“so that each set of parent and satellite stations will pay a regulatory fee based on the total number of television households served, and will be assessed a single regulatory fee comparable to the fee assessed stations serving markets with the same number of households”.⁴

² See attached pages from Nielsen. Effective November 1, 1994, Escanaba, became a part of the Marquette, Michigan DMA. Marquette is currently the 176th ranked television market. Factbook at p. A-6.

³ 10 FCC Rcd. at 12762-63.

⁴ 10 FCC Rcd. at 12763. This is consistent with the treatment satellite stations have received in other contexts. For example, in its pending rulemaking proceeding considering the “satellite exemption” to its national television ownership rules, the Commission has stated that it “see[s] no reason to count [a] market [in which both a parent and satellite operate] twice for the purposes of

(continued...)

This decision only applied to licensees that had timely filed petitions for reconsideration or for waiver or reduction of regulatory fees for satellite stations.⁵ By Memorandum Opinion and Order in this docket, FR Doc. 97-19353, July 22, 1997, the Commission clarified the Reconsideration Order so that satellite stations which had not filed for a reduction or waiver of the 1994 Regulatory Fee could file for such a reduction until August 22, 1997.

CBS's 1994 Annual Regulatory Fee payment included full-service station amounts for WJMN, KCCO and KCCW. Applying the Reconsideration Order standard of having a parent and satellite station pay a single regulatory fee comparable to the fee assessed stations serving markets with the same number of households results in the following:

1. The 1994 Annual Regulatory Fee for commercial VHF television stations in markets 51-100 was \$8,000. CBS paid \$8,000 each for both WFRV-TV, Green Bay, Wisconsin and WJMN-TV, Escanaba, Michigan although both were located in the Green Bay DMA. Therefore, CBS qualifies for a refund of \$8,000 for WJMN-TV.

⁴(...continued)

determining national audience reach.” In the Matter of Broadcast Television National Ownership Rules, Review of the Commission’s Regulations Governing Television Broadcasting and Television Satellite Stations Review of Policy and Rules, Notice of Proposed Rulemaking 11 FCC Rcd. 19949 at 19958 (1996).

⁵ Id.

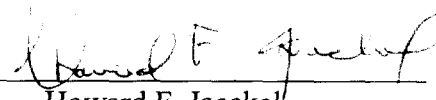
2. The 1994 Annual Regulatory Fee for commercial VHF television stations in Markets 11-25 was \$16,000. CBS paid \$16,000 each for WCCO-TV, Minneapolis, Minnesota, KCCO-TV, Alexandria, Minnesota and KCCW-TV, Walker, Minnesota, although all were located in the Minneapolis DMA. Therefore, CBS qualifies for a refund of \$32,000 for KCCO-TV and KCCW-TV.

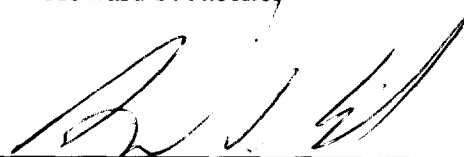
Conclusion

For the reasons stated above, CBS is entitled to a refund of its 1994 Annual Regulatory Fees payment of \$40,000.

Respectfully submitted,

CBS Inc.

By: 
Howard F. Jaeckel

By: 
Andrew J. Siegel

Its Attorneys

51 West 52 Street
New York, New York 10019

August 14, 1997

Green Bay-Appleton, WI

July 1994

Nielsen Station Index

Nielsen

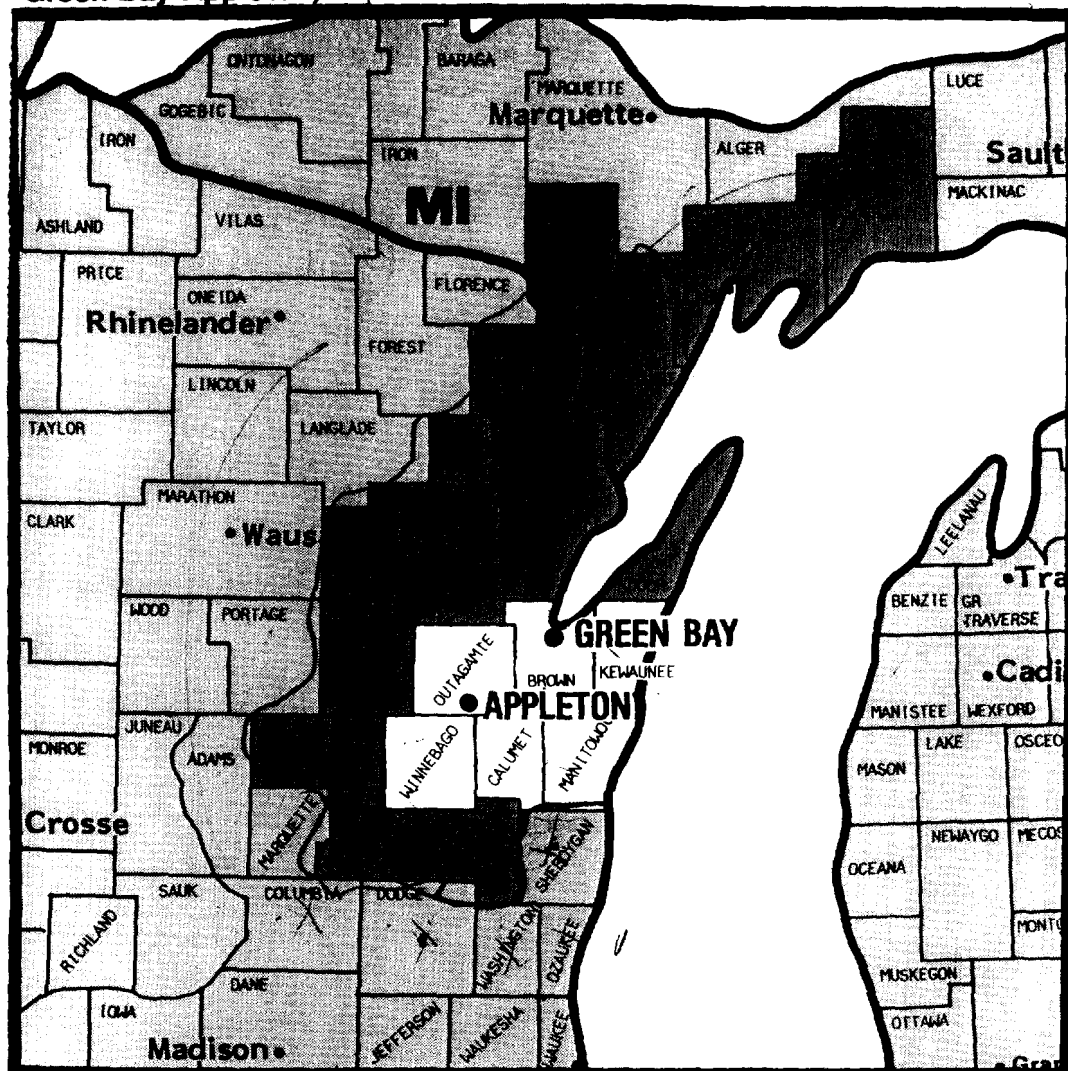
Viewers in Profile



Accredited by
Electronic Media
Rating Council®

Green Bay-Appleton, WI: July 1994 (79 of 200)

Green Bay-Appleton, WI



MARKET TYPE

Metro TV Ratings Estimates

MAP LEGEND

● City Location

— State Line



CENTRAL AREA

GREEN BAY-APPLETON



LOCAL DMA

GREEN BAY-APPLETON

THE NSI® TECHNIQUE

See Table 5 for NSI Area County Lists

INTRODUCTION

NSI techniques and procedures used in compiling the audience estimates in this Viewers in Profile® (VIP®) are described in the current edition of the **NSI Reference Supplement**. The user should refer to the Supplement for information regarding the sample plan, data reported, examples of standard error calculations, as well as for additional detail on other related topics including those treated briefly below.

The use of mathematical terms to express the audience estimates herein should not be regarded as a representation by Nielsen that they are exact to the precise mathematical values stated.

THIS NSI ANALYSIS PROVIDES THE FOLLOWING

AUDIENCE ESTIMATES:

WEEKLY CUMULATIVE AUDIENCES — by Daypart

- Households/Persons Reached:** the total number of different TV households/persons (excluding visitors) in TV households reached one or more quarter-hours during the average measured week. Metro Area estimates are shown for the current measurement period. Station Total estimates are for the latest all-market measurement cycle (Nov., Feb. or May) as well as July.

AVERAGE QUARTER-HOUR AUDIENCES — By Daypart and/or by Quarter-Hour or Half-Hour

- HUT (Households-Using-Television):** television households in the Metro/DMA Area with a TV set turned on as a percentage of Metro/DMA Area TV households.
- PUT (Persons-Using-Television):** persons in television households in the DMA that are viewing any station or cable service as a percentage of persons in DMA television households.
- Metro/DMA Area Rating:** television households in the Metro/DMA Area tuned to a specific station or cable service as a percent of the Metro/DMA Area TV households. DMA ratings are also shown for selected persons categories.
- Metro/DMA Area Share:** television households in the Metro/DMA Area tuned to a specific station or cable service as a percent of the Metro/DMA Area TV households with a set turned on.
- DMA In-Market Share:** an estimate of the DMA household 4-week share of viewing received by a local commercial station in comparison to the other local commercial stations in the market. This estimate is only reported in the Daypart section.
- Trend Guide Data:** DMA HUT and Shares are provided for the a) Daypart and Time Period Sections where data are based on the same Daypart/Time Period for the indicated measurement periods (see column headings) and b) Program Audience Averages Section where data are recomputed based on the "normal" program time period in the current VIP for the indicated measurement periods (see column headings).

Users are reminded that Trend Guide data are subject to variations due to several factors, such as sampling error and seasonal variations in television viewing. These factors, as well as other considerations outlined in Section IV of this VIP should be recognized in using and comparing data from several measurement periods.

- Station Total Audience:** total U.S. TV households reached.
- Percent Distribution of Station Total Households:** When Station Total Households are reportable in the Home market they are also shown distributed on a percentage basis between the Home Metro area, the Home DMA and up to three selected adjacent DMA's. Where applicable, ratings are also shown for the adjacent DMA's. These data are reported for all dayparts during all-DMA measurement cycle only.
- Audience Composition:** in numbers of persons viewing and their distribution by the demographic categories shown — reported in terms of DMA Ratings and/or Projected Total Persons reached.
- Time Period Section:** Audience estimates are shown (a) as 4-week averages for the dates shown on the cover (exclusions due to special events or other unusual circumstances, if any, are listed on Page 3), and (b) as program time period estimates excluding preemptions, if any. Such "pure" program audience estimates are reported for local stations only.
- Adjacent Quarter-Hour Averages:** The average of data for the current quarter-hour and the previous quarter-hour, reported for each time period break. Shown are Metro and DMA household ratings plus Station Totals for households and selected demographic categories.
- DMA Weekly Ratings:** Program Audience and Time Period DMA Household Ratings are shown for each week of the measurement. Weekly ratings are limited to Markets for which the specified minimum in-tab sample for the week meets the standards shown in Section A.III.A of the NSI Reference Supplement. If this market includes week-by-week ratings, measurement periods where data are provided will be indicated in the Measurement Schedule on Page 3.
- Program Audience Average Section:** A retabulation of the program audiences (excluding preemptions where applicable). For a description of the rules and procedures for averaging audience data for this section, see the NSI Reference Supplement.
- Persons Share Section:** Persons in the DMA tuned to a specific station as a percent of the DMA Persons-Using-Television (PUT) for this survey interval and three prior intervals.
- TV Households and Persons Trend Section:** Households Using Television (HUT) and Persons Using Television (PUT) are trended for all DMA measurement periods for this period and four prior years. Rating and Share data are summarized for local commercial stations.

To avoid the implication that the reported averages represent normal operating conditions at all times, a section on "Operating Notes" is included showing dates and times of unusual operating conditions as reported by the stations.

II AREAS MEASURED

Metro Area: the Metro Area is the Metropolitan Statistical Area (MSA) as defined by the Office of Management and Budget brought to county line basis to include counties having over 50% of their population in the Metro Area. In the absence of an established Metro Area, or where in Nielsen's (Continued on Inside Back Cover)

MARKET DATA

GREEN BAY-APPLETON, WI
DMA RANK # 65

JULY 7 - AUGUST 3, 1994

TABLE 1 - UNIVERSE ESTIMATES - JAN. 1994

AREA	TOTAL HOUSEHOLDS	TV HOUSEHOLDS	TV-HOUSEHOLDS BY COUNTY SIZE †			
			A	B	C	D
METRO	235,800	234,200				
DMA	304,900	301,650	120,820	140,150	130,880	
%			31	38	33	
NSI	492,900	487,700	120,820	203,010	162,070	
%			25	42	33	

TOTAL HOUSEHOLDS are estimated by Market Statistics (MS), used by special permission of that organization. They are the base against which television ownership percentages have been applied. TELEVISION OWNERSHIP PERCENTS are Nielsen estimates based on combining historical projections from the 1990 and 1970 Censuses with estimates from the NSI telephone interviews from a number of all market measurement periods.

HOUSEHOLDS ARE OCCUPIED HOUSING UNITS. The household universe estimates shown in Table 1 are estimates of year-round households, i.e., housing units occupied year round. Seasonal housing units which are occupied only during certain seasons of the year are not included in the Household Universe Estimates. Thus, the number of households during the survey period may differ from the estimate in Table 1.

† See NSI Reference Supplement for definition of county size. LT Less than 1%.

TABLE 2 - PENETRATION ESTIMATES

AREA	PERCENT OF TV HOUSEHOLDS				
	BLACK %	HISPANIC %	MULTI-BET %	CABLE TV %	VCR %
METRO	LT	1	72	57	
DMA	LT	LT	69	54	81

Black and Hispanic estimates are as of January 1, 1994. Multi-set, Cable TV and VCR estimates are based on the latest available data.

See NSI Reference Supplement for detail regarding the derivation of these estimates and for information regarding response and sampling error.

TABLE 3 - SAMPLE SIZES: HOUSEHOLDS

AREA	INITIALLY DESIGNATED HOUSEHOLDS			IN-TAB DIARY HOUSEHOLDS		
	LISTED	UNLISTED	TOTAL	LISTED	UNLISTED	TOTAL
METRO	488	99	587	263	44	307
DMA(INCL.METRO)	781	173	954	417	78	495
NSI(INCL. DMA)	1256	284	1540	674	130	804

For sample selection procedures used in Total Telephone Frame sampling, see NSI Reference Supplement. This DMA, being a Type B market, has an advance household sample estimate of 460 or more during this measurement period. A minimum in-tab household sample of 85 is required to report weekly DMA or Station Total Household data. See NSI Reference Supplement for further explanation.

TABLE 4 - TELEVISION STATIONS

CITY OF ORIGIN	STATION	CHANNEL	AFFILIATION
GREEN BAY	*WBAY	2	A
GREEN BAY	*WFRV	5	C
GREEN BAY	*WGBA	26	I-F
GREEN BAY	*WLUK	11	N
GREEN BAY	*WPNE	38	P
APPLETON	*XGZ	32	I
CABLE	USA (D)		

(D) THIS OUTSIDE STATION IS REPORTABLE IN THE DAYPART SECTION ONLY

STATION WXGZ-TV, CHANNEL 32, APPLETON, WI BEGAN TELECASTING ON JUNE 3 1994.

TABLE 5 - TV HOUSEHOLDS AND IN-TAB DIARY HOUSEHOLDS
BY SAMPLING AREA

ADJ DMA CNTY	COUNTY & STATE	MRS TERRI- TORY†	EST. TV HHLS JAN. 1994	CABLE TV HHLS % JULY 1994	IN-TAB DIARY HHLS
#1	ALGEN	MI EC	3,370	57	18
#1	BARAGA	MI EC	3,260	49	17
D	DELTA	MI EC	14,560	66	20
D	DICKINSON	MI EC	10,700	84	12
#1	HOUGHTON	MI EC	12,560	79	57
#1	IRON	MI EC	5,480	59	23
	LUCE	MI EC	2,080	59	4
#1	MARQUETTE	MI EC	26,820	93	124
D	MENOMINEE	MI EC	9,740	51	10
D	SCHOOLCRAFT	MI EC	3,240	62	4
MD	BROWN	WI WC	75,930	56	100
MD	CALUMET	WI WC	12,240	48	15
D	DOOR	WI WC	10,330	37	11
#1	FLORENCE	WI WC	1,870	28	4
D	FOND DU LAC	WI WC	33,520	58	45
D	GREEN LAKE	WI WC	7,410	53	8
	IRON	WI WC	2,570	61	5
MD	KEWAUNEE	WI WC	6,950	35	13
MD	MANITOWOC	WI WC	30,700	56	34
D	MARINETTE	WI WC	15,970	44	18
D	MENOMINEE	WI WC	1,190		1
D	OCONTO	WI WC	11,430	28	12
MD	OUTAGAMIE	WI WC	52,830	54	74
D	SHAWANO	WI WC	13,980	38	12
#2	SHEBOYGAN	WI WC	39,240	58	57
D	WAUPACA	WI WC	17,810	42	26
D	WAUSHARA	WI WC	7,880	34	9
D	WINNEBAGO	WI WC	55,750	68	71

METRO TOTAL 234,200 57 307
DMA TOTAL 301,650 54 495
NSI AREA TOTAL 487,700 57 804

#1 = MARQUETTE #2 = MILWAUKEE
#3 = WAUSAU-RHINELANDER
NOTE: VIEWING IN ADJACENT DMA'S IS NOT LIMITED TO NSI AREA COUNTIES IN
TABLE 5. THE ABOVE LIST OF COUNTIES DOES NOT NECESSARILY REPRESENT
ENTIRE AREA FOR WHICH VIEWING OCCURS TO STATIONS IN THIS MARKET.
SEE INSIDE BACK COVER FOR FURTHER STATION TOTAL AREA DESCRIPTION.

* = NSI Client I = Independent Station I-F = Independent-Fox Network Affiliate
IS = Independent-Subscription TV Station T = Turner Broadcasting System
P = Educational and Public Broadcasting Service Stations P-C = Public Broadcasting-Commercial
Network affiliation as shown herein is based on information supplied by the networks for use in
Nielsen Television Index (NTI). For additional details, see the NSI Reference Supplement.

Audience estimates are computed separately for each week. Reported multi-week averages are the average of the appropriate individual week audience estimates. Some of the above counties may have been combined for projecting individual week audience estimates. Viewing among the households in the in-tab sample for all counties that are combined are projected to the Total TV Households for the combined counties. These county groupings are available upon request.

M = Metro County; D = Designated Market Area County (for definition, see Section II).
† See NSI Reference Supplement for explanation of MRS Territory and County Size.